

# **Board of Cosmetologist Examiners**

## **February 24, 2014 Board Meeting Minutes**

9:00 AM to 2:30 PM

Conference Room A, University Park Plaza  
2829 University Ave SE, Minneapolis, MN 55414

### **Present at Meeting:**

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Laurie Boggess, Chair  
Robert Salmonson, Member  
Mary Finnegan, Member (Remotely)  
Kurt Deile, Member  
Michele Owen, Attorney  
Gina Stauss Fast, Executive Director  
Rebecca Gaspard, Compliance

Diane DelaBarre, Assistant Executive Director  
Billi Jo Jones, Licensing Division Manager  
Catrina Mairose, Licensing Specialist  
Tami Thein, Assistant to the Executive Director  
Tim Hoepfner, Field Inspector  
Andrew Reding, Field Inspector  
Alex Herbert, Licensing Specialist

#### **I. *Call to Order***

LB: Called meeting to order at 9:32 AM.

#### **II. *Approval of Proposed Agenda***

KD: Made a motion to pass the proposed agenda with flexibility.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

LB and GSF: Added Elections to agenda.

#### **III. *Approval of Minutes***

BS: Made a motion to approve the minutes from the December 9, 2013 Board meeting.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

#### **IV. *New Business: Waivers, School Curriculum Change and In-House Requests***

##### **A. *Waiver—Darla Nelson***

CM: DN requested a waiver of MN Rule 2105.0210(2) which requires an individual who has an inactive license and whose most recent active license has expired by less than three years shall be reissued an active license for the remainder of the licensing period after completing a 40 hour refresher course or providing documentation of 1800 hours of licensed practice within three years prior to reactivation. DN based her request in financial hardship.

Discussion. DN explains accidentally renewing her license as inactive using the online renewal system in 2011.

KD: Made motion to grant waiver that requires her to take a 40 hour refresher due to hardship.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*B. Waiver – Chelsea Smythe*

GSF: CS requested a waiver of MN Rules 2105.0150 and 2110.0690, which require a license applicant to pass examination and be licensed within a period of not more than three years from the date of successful completion of the required training. CS requests to take the 155 hour refresher course rather than complete her entire training again. CS claims medical and financial hardship.

Discussion.

MF: Made motion to grant waiver with condition to complete 155 refresher course along with written and practical test by 4/30/2015 due to hardship.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*C. Waiver—Denise Kragh*

GSF: DK requested a waiver of MN Rule 2105.0200(2) which requires a renewal applicant to have either 1800 hours total, or 400 hours per each full year, of work experience throughout their license cycle, or to take a 40 hour refresher course to renew a license as active. DK claims she would face financial hardship if she were required to take a 40 hour course. DK claims for her 2009 renewal, she was in the same situation and was allowed to renew her license based on her work history at the medical facility. DK does not want to surrender Cosmetologist license for Esthetician license.

Discussion: Comments from DK, GSF, KD and MF.

LB calls for break at 10:31 AM.

LB calls for order at 10:42 AM.

Discussion: Comments from DK, GSF, KD and MF.

KD: Made motion to deny the request for waiver to renew Cosmetologist license because the law reads Esthetician only in medical setting does not apply to Cosmetologist license.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*D. School Curriculum Change-Regency Beauty Institute Textbook Change*

GSF: Matthew Palen, on behalf of RBI, has provided a notification of a change in their curriculum and course materials in accordance to MN Rule 2110.0320, maintaining a School License. Subp 2. Notification of changes. Each school shall notify the board within 30 days of the effective date, unless otherwise indicated below, and in writing, of all alterations, additions, and deletions in the information contained in its original license application, and supply current information, including by not limited to:

B. changes in the education services or course of training offered the curriculum, text materials, or clinical experience plan.

MO: Discussed MN Data Practices.

KD: Accepts notification.

*E. In-House Requests-LA Beauty School: Online Course Curriculum*

GSF: Kim Smith, on behalf of LBS, would like to offer online education for the theory portion of the cosmetology, esthiology, and nail technology courses. She has submitted course curriculum for approval.

MF: Discussed independent study vs online education.

Discussion: Concerns on operating program backing the course curriculum.

KD: Made motion to deny at this point because not presented an online course curriculum.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

**V. Old Business: Approval of Professional Association**

GSF: BCEA requested Board approval to become a Board-recognized professional association that may offer continuing education curriculum for credit at the December 9, 2013 Board meeting. At that time BCEA was asked to provide documentation proving Non-profit status. BCEA provided us with information from the Office of the MN Secretary of State stating Non-Profit status.

BS: Made motion to accept the application of the BCEA to become a Board recognized to professional association that may offer continuing education curriculum; approval is granted until a rule that define a Professional Association is adopted or 3 years have lapsed, whichever comes first.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

**VI. New Business: Discussion, Public Comment and Waivers**

*A. Waiver—Deborah Fischer*

GSF: DF requested a waiver of MN Rule 2105.0210(3) which requires a refresher course of 155 hours to reinstate a cosmetologist license which has expired by over three years due to financial hardship. DF had been working on her expired license until August of 2013, since then has not had a full time job or income and has fallen into financial hardship.

Discussion.

MF: Made motion to deny request of DF based on financial hardship to renew her application without 155 refresher.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*B. Waiver—Heather Rogers*

GSF: HR requested a waiver of MN Rule 2105.0210, which requires individuals who have had an inactive license for more than three years complete a 155 hour refresher course. HR hopes to use a 40 hour refresher course rather than the 155 hour course due to financial hardship.

Discussion.

MF: Made motion to grant waiver to take a 40 hour refresher course in place of 155 hour course due to Board Staff error.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*C. Waiver—Genna Gorman*

GSF: GG requested a waiver of MN Rule 2105.0200(2), which requires an applicant for an active license renewal to have either 1800 hours of work experience throughout their license cycle, 400 hours per each, or a 40 hour refresher course due to medical and financial hardship. GG explains that with traveling between 2 states, she was not able to maintain work to meet the requirements.

Discussion.

MF: Made motion to grant waiver of 40 hour refresher course due to medical and financial hardship but must take a certification of skills test from a licensed school prior to July 31, 2014.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*D. Waiver – Shameka Jefferson*

GSF: SJ requested a waiver of MN Rules 2105.0150 and 2110.0690, which require a license applicant to pass examination and be licensed within a period of not more than three years from the date of successful completion of the required training. SJ explains that due to financial hardship did not have the means to pay for licensing then but now has the means to do so.

Discussion.

KD: Made motion to deny SJ waiver as requested however allow SJ to complete 155 refresher course along with written and practical test by 4/30/2015 would be sufficient.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*E. Public Comment*

CT: on Hair Braiding. No comments were made on topic, not present.

*F. Discussion*

GSF: Practical Exam/RFP for Testing vendor. October 2014 contract ends with Pearson Vue. Next steps include creating a RFP team made up of BCE staff, Board members, and representatives of the industry. This team will create criteria and evaluate responses.

Discussion: on options for testing and moving forward by including Written Clinical Examination.

GSF: Proposed Legislation. Increasing the Board to 7 Board members. Changes in Laws and Rules regarding Cosmetologist licensing covering the Esthetician in a medical setting. Including Cosmetologist is the more equitable way of making the Esthetician and Cosmetologist equal.

LB calls for break at 12:50 PM.

LB calls for order at 1:08 PM.

**VII. Old Business: Discussion on Independent Contractor**

RG: This discussion is being continued from the December 2013 Board meeting. BCE staff would like further direction on the role of independent contractors and how to interpret their role into rules.

Discussion: Remove the wording of “independent contractor” or “booth rental” from rule language. Agreed that wording is not necessary or reasonable, that is a business decision.

**VIII. Division Reports- Rule Report**

**A. Rule Report**

RG: Discussion of Rule Direction for Infection Control. Hand Sanitizers have been previously discussed the rule requiring hand sinks in work stations (2105.0630, subp 6), and the rule requiring hand washing between clients (2105.0380 Item Q), and concluded that hand sanitizers were not an acceptable substitute to hand washing. Discussed Shampoo bowls being used as hand sinks. Shampoo bowls are accepted as hand sinks if single use towels and hand soap is available at the shampoo bowl. Revisiting the proposed rule amendment language for inspection fines and agrees to the easy read.

**IX. New Business: In-House Requests**

**A. Letters of Verification**

GSF: Any license applicant who has been licensed in another state is required to provide a Letter of Verification as part of their application. These letters contain important information to have before licensing an individual, including record of discipline or if the licensee has been licensed in any other states. One state has stopped sending letters of verification either via postal service or state email account, they have requested we search there online license search.

**B. Travel**

GSF: Requesting that the process in which approving travel for the Executive Director be overseen by the Assistant Executive Director, DD.

Discussion

BS: Made motion to delegate DD to approve GSF travel if relevant to business.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

**X. Division Reports- Compliance Division Report, Licensing Division Report and Inspection Division Report**

**A. Compliance Division Report**

DD: In the 4<sup>th</sup> quarter, a total of 23 complaints were filed with the Board and currently have 80 active complaints. At the February 10, 2014 meeting 22 cases were presented.

**B. Licensing Division Report**

BJJ: Processing time has been maintained at 15 business days and applications are being adjusted to meet new legislative requirements. One member of the licensing team will be returning from leave and will help with the processing time.

**C. Inspection Division Report**

DD: Two new inspectors have been added to the Inspection team, Andrew Reding and Tim Hoepfner. Since December 10, 2013 to February 12, 2014 we have done 392 inspections.

**XI. Board Elections**

BS: Nominated MF for Chair

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

KD: Nominated LB for Vice Chair

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

KD: Nominated BS and LB for Compliance Committee.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

**XII. New Business: Performance Review**

**A. Performance Review (Closed Session) pursuant to 13D.05 Sub 3.**

LB calls meeting back to order at 2:47 PM

LB: State the result of the Performance Review of the ED. Have determined that the performance is satisfactory to excellence and may be eligible for all pay increases and achievement awards for the next year

BS: Seconded. 3 Ayes, 0 Nays. **Motion Carried.**

**XIII. Adjournment**

LB: Adjourned the meeting at 2:50 PM.